

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, : CASE NO. 1:23 CR 00535
: Plaintiff : JUDGE CHRISTOPHER A. BOYKO
: vs. :
: DEFENDANT'S MOTION FOR
DANIEL KOVACIC, : PRE-PLEA PRE-SENTENCE REPORT
: AS TO CRIMINAL HISTORY ONLY
Defendants. :
:

NOW COMES the Defendant, by and through his attorney, and respectfully moves this Honorable Court for an Order instructing the Probation Department to prepare a pre-plea pre-sentence report as to his criminal history. The reasons for this Motion are explained below. A pre-plea pre-sentence report as to his criminal history will clarify whether (or not) the defendant is subject to statutory and/or Guideline enhancements which may result in a higher Criminal History Category. A pre-plea pre-sentence report as to his criminal history will lead to a swifter resolution of this matter.

For all the foregoing reasons, the defendant respectfully requests an Order from this Court instructing the Probation Department to prepare a pre-plea pre-sentence report as to his criminal history.

Respectfully submitted,

/s/ John P. Luskin

JOHN P. LUSKIN
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BRIEF

The defendant, Daniel Kovcic, has been charged in the original indictment with two counts of distributing amounts cocaine base in violation of Title 18 United States Code §922 (g) (1) Possession of Firearm and/or Ammunition by a Convicted Felon. Mr. Kovcic has a questionable criminal history which will greatly impact on his potential sentence in this case. There are some unique issues involving his prior involvement with the criminal justice system which will be more clearly defined by the United States Probation Office.

Counsel intends to become actively engaged in negotiations with Assistant United States Attorney Brian Deckert in an attempt to resolve this case without a trial. The accused also has some serious concerns about the extent and effect of his prior record and it's impact upon the sentence to which he is exposed in this matter.

In order to make an informed decision about the potential sentences he faces, the defendant must be fully aware of the time in the penitentiary he may serve should he choose to go to trial or should he plead. It is prudent and obligatory on counsel to make every effort to fully explore every defense, mitigatory issue or legal argument available to his client and that cannot be accomplished without some guidance from the probation department.

For the foregoing reasons counsel respectfully requests this Honorable Court allow him to obtain a pre plea investigative report in order that Mr. Kovacic might be more fully apprised of his exposure in this case and insure that he makes a knowing, intelligent and voluntary decision.

Respectfully submitted,

/s/ John P. Luskin

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CERTIFICATE OF SERVICE

A copy of the foregoing Defendant's Motion for Pre-Plea Pre-Sentence report as to Criminal History Only was provided Rebecca C. Lutzko, Esq., United States Attorney for the Northern District of Ohio, Brian Deckert, Esq., Assistant United States Attorneys was forwarded via the Court's Electronic Filing System this 28th day of October 2023.

/s/ John P. Luskin

JOHN P. LUSKIN
Attorney for Defendant